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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kang-Hung Lee et al.

Serial No. : 09/724,678

Filed : November 28, 2000

For : METHOD FOR DETECTING AND DIFFERENTIATING
ENTEROVIRUSES AND THE PRIMERS AND PROBES THEREFOR

Date : July 24, 2002

Group Art : 1634

Examiner : J. Souaya

Our Docket : TAI 3L6

Commissioner of Patents
BOX SEQUENCE
Washington, D.C. 20231

Sir:

AMENDMENT AND RESPONSE TO COMMUNICATION FROM EXAMINER

In response to the Communication From the Examiner dated July 17, 2002, Applicants submit a substitute paper copy and a substitute computer readable form (CRF) copy of the "Sequence Listing" under 37 CFR § 1.825(d). Applicants request that the application be amended as follows:

In the Specification:

Please replace the Sequence Listing immediately before the claims with the enclosed substitute Sequence Listing.

REMARKS

Applicants received a Communication from the Examiner dated July 17, 2002 indicating that both a substitute paper copy and a substitute CFR copy of the "Sequence Listing" for the above application must be provided (copy of the Notice to Comply enclosed). The Notice to Comply indicated that the previously submitted CRF copy of the Sequence Listing for the above application did not comply with the requirements of 37 C.F.R. § 1.822 and/or 1.823.

In particular, the Examiner indicated that "synthetic construct" is an invalid response for field <213> in the sequence listing. Applicants have amended the sequence listing to replace "synthetic construct" with "artificial sequence" as permitted by 37 C.F.R. § 1.823.

1. Applicants hereby provide a paper copy of a substitute "Sequence Listing" (enclosed).
2. Applicants hereby provide a computer readable form (CRF) copy of the substitute "Sequence Listing" on compact disk (enclosed).
3. Applicants hereby state that the paper and computer readable copies of the substitute "Sequence Listing" are the same, and include no new matter.

Applicants believe that the substitute Sequence Listing, and the computer readable form of the substitute Sequence Listing are in compliance with 37 C.F.R. §§ 1.821 0 1.825.

If the Examiner has any questions regarding this paper, or the application in general, the Examiner is urged to contact the undersigned agent so as to facilitate the prosecution of the application.

CERTIFICATE OF MAILING

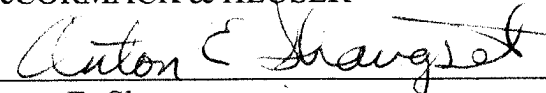
I hereby certify that this correspondence, including the paper Sequence Listing, and compact disk with Sequence Listing, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on July 24, 2002.


Shannon Verboort



Respectfully submitted,

KOLISCH, HARTWELL, DICKINSON,
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Application No.: 09/724,678

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

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Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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